

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BRIT AUGBORNE, III,  
Petitioner,  
v.

WARDEN WILLIAMS, *et al.*,  
Respondents.

Case No. 2:21-cv-01851-RFB-VCF

**ORDER**

On October 6, 2021, the Court received, from Brit Augborne, III, an individual incarcerated at Nevada's High Desert State Prison, a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1-1. The petition has not been filed because Augborne did not pay the filing fee or file an application to proceed *in forma pauperis*. Because Augborne did not pay the filing fee or apply for *in forma pauperis* status, the Court will summarily dismiss this case without prejudice.

If Augborne wishes to pursue a federal habeas corpus action, he must initiate a new case by submitting a habeas petition and either pay the \$5 filing fee or file a fully completed application to proceed *in forma pauperis*, including the required financial certificate.

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1       **IT IS THEREFORE ORDERED** that this action is dismissed without prejudice.

2       **IT IS FURTHER ORDERED** that the petitioner is denied a certificate of  
3 appealability.

4       **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to enter  
5 judgment accordingly.

6       **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to send to  
7 Petitioner, along with a copy of this order, a copy of his habeas petition (ECF No. 1-1)  
8 and the forms for a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and  
9 an application by a prisoner to proceed *in forma pauperis*.

10       **IT IS FURTHER ORDERED** that the Plaintiff may move to reopen this case and  
11 vacate the judgment by filing a motion for reconsideration of this order. In this motion, the  
12 Plaintiff is required to explain what circumstances delayed him from paying the filing fee  
13 or filing the IFP application. If the Court finds there to be good cause or a reasonable  
14 explanation therein, the Court will reopen the case and vacate the judgment.  
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18       DATED THIS 14th day of Octobe, 2021.

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RICHARD F. BOULWARE, II,  
UNITED STATES DISTRICT JUDGE  
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